

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

RONALD L. FLEMING, JR.,	:	
Petitioner	:	CIVIL ACTION NO. 1:19-2114
v.	:	(JUDGE MANNION)
ADAMS COUNTY PRISON, et al.,	:	
Respondents	:	

ORDER

Pending before the court is the report of Magistrate Judge Martin C. Carlson, which recommends that the above-captioned matter be dismissed as moot and that a certificate of appealability should not issue. (Doc. 12). No objections to the report and recommendation have been filed. Upon review, the report will be adopted in its entirety.

By way of relevant background, petitioner filed the instant petition for writ of habeas corpus on December 12, 2019. (Doc. 1). The petition was served and a response directed, (Doc. 9, Doc. 10). Subsequently, correspondence sent to petitioner was returned as undeliverable with a notation that the petitioner had been released from custody. (Doc. 11). Upon release from incarceration, the petitioner failed to update his address or otherwise correspond with the court in violation of L.R. 83.18.

On March 24, 2020, Judge Carlson issued the instant report in which he finds the habeas petition is moot in light of the petitioner's release from incarceration and his failure to demonstrate that he will suffer some collateral consequences as a result of the matters which led to his confinement. Further, because petitioner failed to maintain his current address with the court in violation of L.R. 83.18, Judge Carlson recommends that petitioner be deemed to have abandoned the litigation. Petitioner has not filed any objections to Judge Carlson's report and recommendation.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

Upon review of Judge Carlson's report and recommendation, the court finds no clear error of record. Moreover, the court agrees with the sound reasoning which led Judge Carlson to his conclusions. As such, the court will adopt Judge Carlson's report in its entirety.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

(1) The report and recommendation of Judge Carlson (**Doc. 12**) is **ADOPTED IN ITS ENTIRETY**.

(2) The petition for writ of habeas corpus (**Doc. 1**) is **DISMISSED AS MOOT**.

(3) A certificate of appealability shall not issue in this case.

(4) The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ Malachy E. Mannion

MALACHY E. MANNION

United States District Judge

DATE: April 13, 2020

19-2114-01